IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

OP.No. 25417 of 1999(A)

PETITIONER:

C.R.GOPALAN, RANGE OFFICER (RETIRED),
CHELAKAL HOUSE, POTHANICADU P.O.,
KOTHAMANGALAM.

BY ADV. SRI.JOLLY T.KURIAKOSE

RESPONDENTS:
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1. **THE STATE OF KERALA REP.BY**
   THE CHIEF SECRETARY TO GOVERNMENT,
   SECRETARIAT, BUILDIGNS, THIRUVANANTHAPURAM.

2. **THE ASSISTANT CONSERVATOR OF FORESTS,**
   SOCIAL FORESTRY DIVISION, IDUKKI,
   SAHYA SANU, VELLAPARA, PAINAVU.

3. **THE DISTRICT COLLECTOR , IDUKKI DISTRICT PAINAVU.**

4. **THE DISTRICT COLLECTOR , ERNAKULAM, CIVIL**
   STATION, THRIKKAKKARA.

5. **THE DIVISIONAL FOREST OFFICER, KOTHAMANGALAM.**

6. **THE TAHSILDAR, KOTHAMANGALAM,**
   TALUK OFFICE, KOTHAMANGALAM.

7. **THE VILLA OFFICER, POTHANICADU,**
   POTHANICADU P.O., KOTHAMANGALAM.

BY GOVERNMENT PLEADER SMT.T.B.RAMANI.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.25417 of 1999-A

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Dated this the 20th day of September, 2007.

JUDGMENT

1. The petitioner retired from service as a Forest Range Officer on 31-8-1988. Alleging that revenue recovery proceedings were taken against him without any liability having been fixed earlier, he filed O.P.7714/1989 before this Court. Ext.P1 judgment was issued by this Court holding that this Court is not to evaluate the various circumstances under which the revenue recovery proceedings have been initiated and that it is for the petitioner to present his grievances by making necessary representation before the competent authorities. Accordingly, the petitioner was directed to make a comprehensive representation before the Divisional Forest Officer, Kothamangalam. There was a further

direction that if such representation is received, that would be disposed of within a period of one month.

2. This writ petition is filed on the allegation that though Ext.P2 representation has been made on the strength of Ext.P1 judgment, revenue recovery proceedings have been further initiated without issuing any decision on Ext.P2 representation in spite of the judicial command in Ext.P1 judgment. On such submission in the writ petition, an order of interim stay of recovery was issued by this Court on 12-10-1999 and that interlocutory order has, thereafter, been extended until further orders.

3. A counter affidavit is placed on record by the Government on 30-7-2002 after issuing copy to the counsel for the petitioner under certificate of posting. It is specifically stated in that counter affidavit that Ext.P2 representation was considered and disposed of and such decision was

intimated to the petitioner as per Letter No.E1-6721/89 dated 3-1-1990 and communicated by registered post with acknowledgment due. It is further averred that in reply to that letter, the petitioner had issued Ext.R1(b) letter in which he has made certain statements touching the letter issued by the respondents.

4. There is no reply affidavit on record controverting the aforesaid specific averments in the counter affidavit.

5. For the foregoing reasons, the respondents have established that a decision was taken in terms of the directions contained in Ext.P1 judgment and it was communicated to the petitioner and that he had even replied to that letter and still further, that the averments to the contrary made in the writ petition are contrary to facts. By making such false statements, the petitioner has consciously misdirected the course of justice and obtained

the interlocutory order on the stay petition at the stage of admission.

In the result, the writ petition is dismissed with costs fixed at Rs.10,000/-. The State would be entitled to recover the said amount of costs also by revenue recovery proceedings.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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JUDGMENT

Dated: 20th September, 2007.